

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOHN A. CORTESE, JR.</b>  <b>v.</b>  <b>ARTHUR SABATINO, DAMON VASQUEZ, DOES 1-10, RICHARD J. ROSS, JR., and THE CITY OF PHILADELPHIA</b>	<b>CIVIL ACTION</b>  <b>NO. 18-3804</b>
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**ORDER RE: MOTION TO DISMISS**

AND NOW, this 15th day of March, 2019, upon consideration of Defendants' Motion to Dismiss (ECF 3), and all briefs related to the Motion, and for the reasons set out in the accompanying Memorandum, it is hereby ORDERED that:

1. Defendants' Motion is GRANTED IN PART and DENIED IN PART;
2. Counts III, V, and VIII<sup>1</sup> are DISMISSED WITHOUT PREJUDICE, with leave to replead within 21 days; and
3. Defendants' Motion is DENIED as to Counts I, II, IV, and VI.

**BY THE COURT:**

/s/ Michael M. Baylson  
**MICHAEL M. BAYLSON, U.S.D.J.**

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<sup>1</sup> Plaintiff's Complaint labels its final cause of action "Count VIII," when in fact it is the seventh count. For consistency's sake, the Court has referred to this claim as Count VIII, but recognizes that it is, in fact, Plaintiff's seventh cause of action.